

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TRISTAR INVESTORS, INC.,

Plaintiff,

v.

AMERICAN TOWER CORPORATION,
AMERICAN TOWERS LLC, AMERICAN
TOWERS INC., AMERICAN TOWER
GUARANTOR SUB, LLC, AMERICAN
TOWER HOLDINGS SUB, LLC,
AMERICAN TOWER ASSET SUB, LLC,
AMERICAN TOWER SUB II, LLC,
AMERICAN TOWER MANAGEMENT,
LLC, AMERICAN TOWER L.P., and
SPECTRASITE COMMUNICATIONS, LLC,

Defendants.

AMERICAN TOWER, LLC,
SPECTRASITE COMMUNICATIONS, LLC,
and AMERICAN TOWERS, LLC,

Counter-Plaintiffs,

v.

TRISTAR INVESTORS, INC.,

Counter-Defendant.

No. 3:12-cv-0499-M

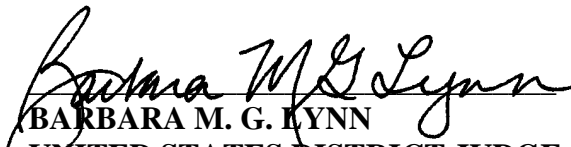
ORDER

Before the Court is the 12(b)(6) Motion to Dismiss Count VII of Tristar's First Amended Complaint [Docket Entry #21], filed by Defendants American Tower Corporation, American Towers, LLC, American Tower, LLC, American Towers, Inc., American Tower Guarantor Sub,

LLC, American Tower Holding Sub, LLC, American Tower Asset Sub, LLC, American Tower Asset Sub II, LLC, American Tower Management, LLC, American Tower L.P., and SpectraSite Communications, LLC (collectively, “American Tower”). The Motion is **DENIED**. American Tower may reassert the grounds asserted in a Motion for Summary Judgment, after the factual record is further developed.

SO ORDERED.

January 11, 2013.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS